

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

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COMMISSION

2016 DEC 19 AM 8:08

MUR: 7030

Complaint Receipt Date: March 23, 2016

Response Date(s): N/A

Respondents: Joe Garcia for Congress
and Roland Sanchez-Medina, as
treasurer (the "Committee")¹
Joe Garcia

EPS Rating:

Alleged Statutory
Regulatory Violations:

52 U.S.C. §§ 30101(2); 30102(e)(1)
11 C.F.R. §§ 100.3(a)(1) and (2); 101.1(a)

The Complaint alleges that Joe Garcia, a candidate in Florida's 26th District in the U.S. House of Representatives, untimely filed his Statement of Candidacy. Specifically, when Garcia announced his candidacy on February 3, 2016, he had allegedly raised funds in excess of \$5,000, but had not filed a Statement of Candidacy within 15 days, as required under the Act. Neither Garcia nor the Committee filed a Response to the Complaint.

A person becomes a candidate when, *inter alia*, he or she has received contributions or made expenditures aggregating in excess of \$5,000.² Once a person crosses the \$5,000 candidacy threshold, he or she must file a Statement of Candidacy form within 15 days of becoming a candidate, and must also designate a political committee to serve as the candidate's principal campaign committee on that form.³ Reports filed with Commission show that Joe Garcia filed a Statement of Candidacy for the 2016 election on March 10, 2016, and the Committee filed an amended Statement of Organization on March 18, 2016. The Committee's disclosure reports

¹ Joe Garcia was a candidate for the U.S. House of Representatives in the 25th Congressional District of Florida in 2008 and 2010, and a candidate for the 26th Congressional District of Florida in 2012, 2014, and 2016. Garcia won in the general election in 2012, and lost in the general elections on November 4, 2014, and November 8, 2016.

² 52 U.S.C. § 30101(2)(A); 11 CFR § 100.3(a)(1) and (2).

³ 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

indicate that the Committee may have crossed the \$5,000 threshold sometime during the 2016 April Quarterly Period; however, it is difficult to pinpoint an exact date due to the reporting of unitemized contributions and disbursements.⁴

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, and the Committee's filing of the required forms, possibly a few days later than required but prior to the receipt of the complaint, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

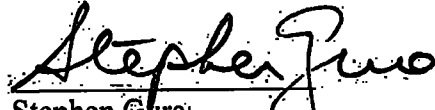
⁴ The Committee's disclosure reports indicate that it may have crossed the expenditures threshold on February 22, 2016, and may have crossed the \$5,000 contributions threshold on February 28, 2016. See Joe Garcia for Congress 2016 April Quarterly Report of Receipts and Disbursements, filed April 15, 2016. As such, when Garcia filed a Statement of Candidacy for the 2016 election on March 10, 2016, it may have been two days late (using the expenditure date to trigger a potential filing requirement). However, as stated above, it is difficult to pinpoint an exact date based on the Committee's reports.

Lisa J. Stevenson
Acting General Counsel

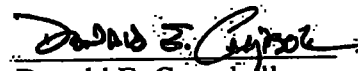
Kathleen M. Guith
Acting Associate General Counsel

12.19.16
Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Donald E. Campbell
Attorney

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